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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,550	11/27/2001	Neil S. Eastman	7042-11	8200
7590	02/05/2004		EXAMINER	
Pablo Meles, Esq. Akerman, Senterfitt & Eidson, P.A. Post Office Box 3188 West Palm Beach, FL 33402-3188			LINNENKAMP, NICHOLAS L	
			ART UNIT	PAPER NUMBER
			2635	3
DATE MAILED: 02/05/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/994,550	EASTMAN ET AL.
	Examiner	Art Unit
	Nicholas L Linnenkamp	2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 27 November 2001.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 27 November 2001 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____.
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> .	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Kolls.

In reference to claim 1, Kolls teaches of a method of dynamic group addressing in a digital audio receiver unit comprising the steps of:

- Receiving a plurality of messages broadcast to a digital receiver among a plurality of digital audio receivers (**XM SATELLITE RADIO, heretofore XM radio, works by transmitting a time division multiple access (TDMA) signal to a receiver, each receiver obtains the TDMA signal as stated in the Background section of specification as admitted prior art, Kolls describes the use of an XM radio as an audio receiver technology in his invention, Col 35, lines 15-20**)

- Receiving at least one environmental input at the digital audio receiver
(Vehicle Monitor and Metering interface 260 connects through bus to Wireless Data Link 276)
- Selectively decoding at least one of the plurality of messages broadcast based on a selective call address and at least one environmental input received at the digital audio receiver **(XM radio already decodes messages based upon a selective call address as stated in the Background section of the specification disclosed as admitted prior art, Kolls teaches of monitoring the normal usage of the vehicle radio and selecting advertisement based upon radio settings, Col 36, lines 1-7. Kolls teaches that XM radio receiver can be used as a wireless data link to transmit data to the vehicle, Col 35, lines 10-20, thus necessitating selective decoding of XM radio broadcast)**

In reference to claim 2, claim 1 is taught as above. Kolls teaches that the step of selectively decoding comprises the step:

- Modifying a group address stored in the digital audio radio based on said environmental input received to create a modified group address and comparing the modified group address with a received group address associated with one of the plurality of messages **(Kolls teaches of storing and modifying a group address of the in-vehicle device,**

**such as an electronic cookie, for advertisement selection, Col 36,
lines 51-57)**

In reference to claim 3, claim 1 is taught as above. Kolls teaches that the step of selectively decoding comprises the step:

Comparing a group address stored in the digital audio radio with a received group address associated with one of the plurality of messages and further comparing a field appended to the received group address with a value corresponding to an environmental input. **(Appended fields are within the scope of XM radio to transmit such as genre, song title, and other characterizing information that would help a consumer to determine content-worthiness of the channel. Kolls teaches comparison as claim 2 above)**

In reference to claim 4, claim 1 is taught as above. Kolls teaches that the step of selectively decoding comprises the step

Comparing a received group address from one of the plurality of messages with an address in a current group address table that is updated with group addresses from a comprehensive group address table based on the environmental inputs received at the digital audio receiver **(Kolls teaches of storing and modifying a comprehensive group address, in the form of an electronic cookie, on a remote**

server which is based on environmental inputs, updating the current group address table, also in the form of an electronic cookie, of the in-vehicle device, Col 36, lines 8-23, and selecting advertisement based upon current group address. Advertisement selection shown as claim 2 above)

In reference to claim 5, claim 1 is taught as above. Kolls teaches that the step of receiving at least one environmental input comprises the step:

Receiving at least one among vehicle health conditions selected from the group comprising an odometer reading, a speed reading, a temperature reading, a tire pressure reading, a coolant level reading, an air bag deployment status, an ABS break status, or an engine status (**Kolls system interface 210 collects telemetric data about vehicle engine control, Col 30, lines 19-41, Kolls system interface 260 includes certain vehicle monitoring and metering means, such as accelerometer, tachometer, and odometer, Col 34, lines 1-14, advertisement selected based upon vehicle command and control functionality, Col 36, lines 23-33**)

In reference to claim 6, claim 1 is taught as above. Kolls teaches that the step of receiving at least one environmental input comprises the step:

- Receiving user inputs (**Advertisement selection based on radio station selection and listening histories, Col 36, lines 42-43**)

In reference to claim 7, claim 6 is taught as above. Kolls teaches that the step of receiving environmental input further comprises the step:

- Determining if a user is using a program identification function on the digital audio receiver. (**Advertisement selection based on listening histories, taught as claim 6 above**)

In reference to claim 8, claim 6 is taught as above. Kolls teaches that the step of receiving environmental input further comprises the step:

- Determining if a user subscribes to a pay-per-listen subscription. (**Advertisement selection based on listening habits and listening histories, taught as claim 6 above**)

In reference to claim 9, claim 1 is taught as above. Kolls teaches that the step of receiving environmental input further comprises the step:

- Determining a user's listening habits (**Advertisement selection based on listening history, as taught in claim 6 above**)

In reference to claim 10, Kolls teaches of a digital receiver unit having dynamic group addressing, comprising:

- A digital audio receiver for receiving a plurality of messages that can be targeted (**XM Radio, Col 35, lines 15-20**)
- A plurality of environmental inputs used for targeting at least one of the plurality of messages (**Vehicle Monitor and Metering interface 260 connects through bus to Wireless Data Link 276, used for selecting advertising as taught as claim 2**)
- A processor (**Micro-controller/Microprocessor 234**) programmed to:
 - o Receive at least one of the plurality of environmental inputs (**Data bus connects Micro-controller to interface 260 for receiving inputs**)
 - o Dynamically address the plurality of messages based on the data obtained from the plurality of environmental inputs (**Advertisement selection taught as in claim 2**).

In reference to claim 11, claim 10 is taught as above. Kolls teaches that the environmental input is selected from vehicle command and control or user preferences taught as claims 5 and 6.

In reference to claim 12, claim 10 is taught as above. Kolls teaches that the digital receiver unit is a satellite digital audio radio (**XM Radio as taught in claim 1**)

In reference to claim 13, Kolls teaches of a digital receiver unit that can be dynamically addressed, comprising:

- A receiver capable of receiving a plurality of content specific messages
(XM Radio receiver)
- A processor (**Micro-controller/Microprocessor 234**) for receiving at least one environmental input used to dynamically address the receiver
(Data bus connects Micro-controller to interface 260 for receiving inputs), wherein the processor is programmed to selectively decode messages matching a condition set by the at least one input
(Advertisement selection taught as in claim 2).

In reference to claim 14, claim 13 is taught as above. Kolls teaches that the processor selectively decodes by modifying a group address stored in the digital receiver unit based on at least one environmental input received to create a modified group address and wherein the processor further compares the modified group address with a received group address associated with one of the plurality of content specific messages. **(Kolls teaches of storing and modifying a group address of the in-vehicle device, such as an electronic cookie, for advertisement selection, Col 36, lines 51-57, modification done according to environmental inputs, Advertisement selection done through the use of processor 234)**

In reference to claim 15, claim 13 is taught as above. Kolls teaches that the processor compares a group address stored in the digital receiver unit with a received group address associated with one of the content specific messages and further

compares a field appended to the received group address with a value corresponding to at least one environmental input. (**Appended fields are within the scope of XM radio to transmit such as genre, song title, and other characterizing information that would help a consumer to determine content-worthiness of the channel. Kolls teaches comparison as claim 14 above)**

In reference to claim 16, claim 13 is taught as above. Digital receiver comparison taught similar to claim 4 above.

In reference to claim 17, claim 13 is taught as above. Environmental input selection taught similar to claims 5 and 6 above.

In reference to claim 18, Kolls teaches a satellite digital radio capable of being addressed with selective call messages, comprising:

- A selective call receiver for receiving a plurality of messages targeted for a group of users meeting a specified criteria (**XM Radio, Col 35, lines 15-20**)
- A plurality of inputs coupled to a user interface for the satellite digital radio for providing at least a portion of the specified criteria (**Vehicle Monitor and Metering interface 260 connects through bus to Wireless Data Link 276, used for selecting advertising as taught as claim 2**)

A decoder coupled to the selective call receiver for decoding at least a portion of the plurality of messages matching a dynamic group call address created with and meeting the specified criteria (**Micro-controller/Microprocessor 234**)

In reference to claim 19, claim 15 is taught as above. Claim 19 is taught as claims 5 and 6 above.

In reference to claim 20, claim 16 is taught as above. Kolls teaches of a telemetric system (**System 200, shown in Fig 4**), such that it relays operation information back to servers (**through Wireless Data link 276**) as taught in claim 4, which use the satellite digital radio as part of the communication system.

Thus, Kolls teaches all the limitations of claims 1-20.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas L Linnenkamp whose telephone number is (703) 305-8701. The examiner can normally be reached on 8:00-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on (703) 305-4704. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

Nicholas L Linnenkamp
Examiner
Art Unit 2635

NLL

MICHAEL HORABIK
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